

APPLICATION NO: 26/00866/TREEPO		OFFICER: Sam Reader
DATE REGISTERED: 16/6/26		DATE OF EXPIRY: 16/12/26
WARD: Warden Hill		PARISH:
LOCATION:	Land at Castanum Court	
PROPOSAL:	TPO to three birch (Ts 1, 2, 3) and mixed woodland (W1)s	

RECOMMENDATION: Confirm without modification



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Three birch of various species on the southern border of the land adjacent to the brook. The northern edge of the land is wooded at the brook's edge. Site is accessible from Castanum Court.
- 1.2 The three birch are early mature and not fully grown. They appear to be in good condition and visible from both Castanum Court and the main road.
- 1.3 The wooded area is of mixed species with a range of maturity classes represented but in the main these trees are older and larger than the birch. These trees appear in good condition and are visible from both Castanum Court and the main road.
- 1.4 The TPO has been made in response to 26/00695/FUL which would remove T1 and T2. The development would also increase pressure on T3 by recontextualising it in a small garden and by inserting a parking space in its RPA. The woodland was included in anticipation of a revised layout closer to those trees.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History

26/00695/FUL - Land At Junction With Warden Hill Road. Change of use of land to residential and construction of single storey dwelling.

3. POLICIES AND GUIDANCE

Town and Country Planning Act 1990

Part 8, Chapter 1 – Trees

Cheltenham Plan

Policy GI2

POLICY GI2: PROTECTION AND REPLACEMENT OF TREES

The Borough Council will resist the unnecessary (Note 1) felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.

For protected trees (Note 2), the Council will require:

a) any tree which has to be felled to be replaced, where practicable (Note 3); and

b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree and to be in conformity with British Standard for Tree Work (BS3998, 2010).

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

4. CONSULTATION RESPONSES

4.1. Two site notices were put up, one on Castanum Court and one on Warden Hill Road. A copy of the provisional order was sent to the tree owner (who is also agent for

26/00695/FUL). Note that the agent states he has never received this in the post but accepts it was received by email subsequently. A copy was sent to the neighbour at 54.

4.2 The neighbour at 54 responded in support of the TPO.

4.3 The owner submitted an objection based on:

- A request to only protect the woodland
- The council has not demonstrated that the trees are high value amenity trees and that the TPO is justified in terms of expediency (a threat to the trees)
- The trees are not visible enough to be protected as Castanum Court is a small cul-de-sac and that views of the trees from the main road are restricted by the hedge
- The trees are young and do not merit protection, furthermore that an estimated 20+ years lifespan (taken from their arborist's report) does not merit protection. The arborist's report also categorises T1 as young and all three as 'B' (as per BS5837:2012).
- The order fails to distinguish between local and wider amenity and that the trees' amenity contribution is readily replaceable.
- Replacement planting would provide a better public outcome.
- Ward canopy cover is not reason enough to protect healthy, visible trees and that amenity assessment should also be included in the assessment for TPO.
- Furthermore that overall canopy cover would not be reduced without mitigation (i.e. planting of four trees proposed as part of 26/00695/FUL)
- The agent points to the numbering of the TPO (T1, 2, 3) not matching the numbering used by their own survey (which includes a rowan as T3 not included in the TPO).

5. OFFICER COMMENTS

- 5.1 The protection of the woodland trees is not objected to so these will not be further discussed in this report. The birch trees appear to be in good physiological condition.
- 5.2 Each tree has been assessed visually in regard to their public visual amenity and expediency (threat). The TEMPO assessment tool has been used for clarification. Each tree is a good example of a difference species of birch. There is a clear threat to two trees and given the apparent likelihood of a reconfigured layout in response to the Trees Section's objection to their removal, it appeared expedient to also protect the third birch and woodland.
- 5.3 Although Castanum Court is a small cul-de-sac, it is a public road and the trees are clearly visible from that road. The legislation does not differentiate between public areas of very high footfall and those of low footfall. Furthermore, the trees are all visible from the main road – either from the entrance of Castanum Court or partially obscured behind the hedge.
- 5.4 The age of the trees is relevant only insofar as they have a reasonable remaining lifespan and are not so young and small as to be not visible or contributing significant amenity to their surroundings. A tree with at least 20 years expected lifespan would ordinarily merit protection if other criteria were met. Although the BS5837 cascade chart from which the arborist has categorised the trees as 'B' is not commonly used for TPO assessments (and the owner points this out), within that chart Grade B trees would be recommended for

retention within a development. The arborist's report demonstrates that these trees are constraints to development and should be retained.

- 5.5 The significance of these trees is already sufficient to warrant protection and will only increase as the trees reach maturity and full height. It may be fair to say that the trees' amenity could be replaced in time with new trees. However, that would take some years (and much watering and energy), and the existing trees are already well established. While it is argued by the owner that replacement planting would produce a better outcome than retention of the existing trees, the existing trees are already a valuable amenity assess that should be retained.
- 5.6 Canopy cover in Warden Hill is only 7% compared with a national target of 16.5%. Retention of the trees protected by this TPO would be in line with the aims of the Council's Trees Strategy and while this is not enshrined in planning policy, it does strengthen the mandate for protection in the overall assessment for TPO.
- 5.7 It is not the convention nor mandatory to use a developer's tree survey numbering to number trees on a TPO's schedule.

6. CONCLUSION AND RECOMMENDATION

- 6.1 A threat to demonstrably high value trees has been established. Therefore, a TPO is expedient and appropriate.
- 6.2 On this basis the recommendation is to confirm the TPO without modification.

Addendum:

Objections:

To Sam Reader,

I am writing to formally object to the proposed Tree Preservation Order (TPO) relating to the European hornbeam tree situated within my garden at 26 Collum End Rise, Leckhampton, Cheltenham, GL53 0PB.

I appreciate the importance of protecting trees that contribute to the local environment and amenity. However, I believe that protecting this particular tree in its current location is inappropriate due to its proximity to essential utility infrastructure, the damage that has already occurred, and the significant risk of further damage and public safety issues as referenced in your email response dated 15th June 2026 - Note 1 'The felling of a tree will be necessary only where it is dead, unsafe, or causing unacceptable harm to building or infrastructure'.

The tree is located approximately 4 metres from the local electricity sub-main, which supplies electricity to approximately 200 properties, and approximately 1 metre from the main public sewer. Since raising my concerns, representatives from National Grid Electricity Distribution and Severn Trent Water attended my property to inspect the site in person.

During this meeting, I was advised that the electricity cables serving the sub-main are located at a depth of approximately 600 mm below the adjacent footpath. Given the maturity and size of the tree's root system, this relatively shallow depth raises concerns about the potential for future interaction between the roots and this critical electrical infrastructure.

I have also attached Severn Trent Water's published guidance on planting trees near underground assets. This guidance recommends that a large forest tree, including a European hornbeam, should be planted a minimum distance of 10 metres from their assets. The existing tree is approximately 1 metre from the public sewer, which is significantly closer than the recommended distance. I will be attaching proof of where the public sewer is located which shows it is 1 metre away.

The same guidance states that Severn Trent Water will recover the costs of repairing damage to its assets where that damage has resulted from inappropriate planting. This is particularly relevant given that there is already evidence of tree roots affecting the sewer system. Which I will attach to this email.

Unfortunately, these concerns are not hypothetical as proven in my supporting evidence. The tree has already caused visible damage by lifting the adjacent footpath through root growth. This creates an uneven surface and presents a potential trip hazard for members of

the public, particularly as Leckhampton has a large elderly population who may be more vulnerable to falls.

In support of my objection, I will be providing the following evidence:

- Photographs showing the footpath that has been lifted by the tree roots.
- Evidence of tree roots within the public sewer.
- Photographs demonstrating the proximity of the tree to the public sewer and the electricity sub-main.
- The published Severn Trent Water guidance recommending minimum planting distances for large trees.
- Any additional photographs and plans showing the relationship between the tree and the surrounding infrastructure.

I wish to make it clear that I am not opposed to trees or to protecting the local environment. As a reasonable and constructive alternative, I am willing to plant a replacement tree elsewhere within my garden in a more appropriate location where it can continue to provide environmental and visual benefits without posing a risk to underground utilities, public infrastructure, or pedestrian safety.

I would also appreciate clarification from the Council regarding how these risks have been assessed when considering the Tree Preservation Order. In particular, if the order is confirmed and the protected tree subsequently causes damage to the electricity sub-main, the public sewer, or the adjoining footpath, I would be grateful if the Council could explain where responsibility for that risk and any resulting costs would lie. Given the importance of the sub-main, which supplies approximately 200 homes, and the public sewer serving the surrounding area, this is an important consideration.

I respectfully ask Cheltenham Borough Council to give careful consideration to the evidence of existing damage, the guidance published by Severn Trent Water, the findings of the joint site visit by National Grid Electricity Distribution and Severn Trent Water, and the potential risk to essential infrastructure and public safety.

While I fully support the protection of trees where appropriate, I do not believe it is in the public interest to preserve a tree that is already causing damage and is situated in a location that conflicts with critical underground services. My proposal to plant a replacement tree elsewhere within my garden would ensure that the environmental benefits of tree cover are maintained while avoiding the ongoing risks associated with the current location.

I therefore respectfully request that the proposed Tree Preservation Order is not confirmed and that permission is granted for the removal of the existing tree, subject to replacement planting in a suitable location.

Yours faithfully,

Jordan Bryan



Hi Sam,

I have noticed the document from Severn Trent hasn't attached very well.

Please let me know this is now showing correctly.

I will also attach the online link below.

<https://www.stwater.co.uk/building-and-developing/protecting-our-assets/tree-planting-restrictions/>

Many thanks,

Jordan Bryan